

THE NEWS OF NORFOLK ON PAGES 2, 3, 5 & 6.

COURT DECISIONS.

DIGESTED BY W. B. MARTIN.
(Exclusively for Virginian-Pilot.)Notes of Cases Recently Decided,
Which are of Interest to
Our People.SMATHERS V. CONNORS, MADISON
COUNTY.Supreme Court of North Carolina.
December 19, 1899.COUNTY COMMISSIONERS MAY,
WITHOUT SPECIAL LEGISLA-
TION, ISSUE BONDS, OR LEVY A
SPECIAL TAX TO PAY THE IN-
DEBTEDNESS OF THE COUNTY
INCURRED FOR ITS NECESSARY
EXPENSES; PROVIDED SAID
TAX, TOGETHER WITH THE
REGULAR TAXES, DOES NOT EX-
CEED THE CONSTITUTIONAL
LIMIT.This action was brought to recover
of the defendants certain money due
plaintiff as interest on certain bonds
issued by the commissioners of Mad-
ison county, and to compel by manda-
mus the commissioners to levy a spe-
cial tax to pay the interest and to cre-
ate a sinking fund for the payment of
the principal of the bonds when they
would fall due.The lower court gave judgment
against the commissioners for the inter-
est, but refused a mandamus com-
pelling the levy of a special tax.The court says:
His Honor held that, as the consid-
eration upon which the bonds were is-
sued was the indebtedness of the county
incurred for its necessary expenses,
the bonds constituted a legal and valid
debt against the county. The defend-
ants excepted, and appealed from this
ruling and judgment. The ruling was
correct. Legislative aid was not neces-
sary to enable the county commis-
sioners to bond such indebtedness. As far
back as 1876 this court held, in *Tucker*
v. City of Raleigh, 75 N. C. 267, that it
was not necessary, in order that a mu-
nicipal corporation might create a debt
for necessities, that a popular vote
should be required therefor, and that
when such a debt had been created the
authority to contract implies that the
municipality had the power to furnish
to the creditor proper evidence of the
debt—evidence beyond its bond. The
same point, precisely, was decided in
like manner in *McCless v. Meekins*, 117
N. C. 34. Such being the law, it fol-
lows, as a matter of course, that, when-
ever there is a municipal debt incurred
for necessary municipal expenses, it be-
comes the duty of the proper municipal
authorities to levy a special tax to pay
it, without seeking the aid of legislative
authority, if such special taxes should not
exceed the constitutional limitation. Nor
is it necessary, in cases where the
Legislature authorizes a county or city
or town to levy a special tax to pay a
debt created for the necessary ex-
penses of the county, city or town, to
submit the matter to a popular vote.
The decisions on this point are summed
up as follows: "(1) For necessary ex-
penses, the county commissioners may
levy up to the constitutional limit, with-
out a vote of the people or legislative
permission. (2) For necessary ex-
penses, the county commissioners may
exceed the constitutional limitation,
by special legislative authority, without
a vote of the people. Const. art. 5, sec. 6. (3) For other purposes
than necessary expenses, a tax cannot
be levied, either within or in excess
of the constitutional limitation, except
by a vote of the people under special
legislative authority. Const. art. 7, sec.
7." No error.

WOODSON V. JOHNSTON & CO.

Supreme Court of Georgia,
December 8, 1899.THE OWNER OF A SHIP IS LIABLE
FOR AN INJURY TO A LABORER
EMPLOYED TO LOAD THE SAME
WHEN THE INJURY WAS
CAUSED BY THE NEGLIGENCE
OF THE OWNER'S "WALKING
BOSS," WHO HIRED, DISCHARGED
AND SUPERINTENDED THE
MEN AT WORK.The defendants were engaged in run-
ning a line of steamships from Brun-
swick to European ports in the course
of which they employed the plaintiff to
work as a laborer in loading with cot-
ton one of their ships at their dock in
the city of Brunswick. They employed
a superior officer, known as the "walk-
ing boss," who had power to hire and
discharge men, and who also exercised
a general superintendence over the
hands engaged in loading the defend-
ants' ships. It was his duty, when
about to change the working crew of
any steamer from one position to an-
other in the course of loading a ves-
sel, to first notify the gang working in
the hold of his intention to make such
change, in order that one of the ab-
sents might have an opportunity to
notify the new crew of laborers employ-
ed on the deck about to be thrown down
or lower any cotton until directed so to do,
to the end that the gang below might
not be subjected to injury. On a day
named in the petition, a bale of cotton
was thrown into the hold of the ship,
and the plaintiff was there crushed,
and seriously injured. The hurt thus
occasioned him was caused by the neg-
ligence of the "walking boss" in the
"changing of the crew on deck" with-
out notice or warning to the man
in the hold below. The plaintiff re-
sponding said deck crew with a new
crew that was composed of green men,
who knew nothing of the work that
they were about, one of whom threw
down the bale of cotton by which the
plaintiff, who was one of the men em-
ployed in the hold, was injured. The
conduct of the "walking boss" in this
respect was in gross violation of his
duty, and the direct cause of the injury
inflicted upon the plaintiff. The de-
fendants demurred to the petition gen-
erally and specially. Their demurrer
was sustained, and the plaintiff excepted.The court says:
With respect to the general demurrer,we think it sufficient to say that the
petition set forth a cause of action. The
ship, in the hold of which the plaintiff
was engaged at work; that it failed to
state the name of the "walking boss"
referred to therein, and also that it
failed to give the names of the "green"
men composing the new crew, or to
aver how the defendants were in any
way responsible for the carelessness of
these men. The plaintiff amended his
petition, alleging that he did not
know the name of the particular vessel
upon which he was injured, for the rea-
son that, being an ordinary laborer, he
paid no attention to the names of the
various ships of the defendants' line
coming into and departing from the
port of Brunswick; also that he did not
know the full name of the "walking
boss," but that he was generally known
as "Charleston," and was so called by
the laborers; and, further, that the
plaintiff was unable to ascertain the
names of any of the "green" men com-
posing the new crew. In view of the
amendment, we do not think there was
any merit in any of the grounds of
the special demurrer. The name of the
ship was entirely immaterial for the
purpose upon which the plaintiff's al-
leged injury was sustained was suffi-
ciently identified by the other alleg-
ations of the petition as to the date of
the occurrence and the location of the
vessel at the time thereof. Omitting to
give the name of the vessel was of no
more consequence, indeed than would
be a failure to give the name or num-
ber of a particular lot of motive belong-
ing to a defendant railway company,
where an action for damages was
brought for injuries caused by its run-
ning, or that of a train propelled by it.
Certainly the defendants were clearly
enough informed of what "walking
boss" was referred to after the filing of
the amendment alleging that he was
generally known as "Charleston." Nor
were the names of the "green" crew,
or of the particular member thereof
who threw down the bale of cotton up-
on the plaintiff, essential to the alleg-
ation. As already remarked with reference
to the name of the ship, the defendants
could not, taking the declaration as a
whole, have been left in uncertainty as
to the time, place and manner of the
wrong complained of. Reversed.

AMUSEMENTS.

"SHE STOOPS TO CONQUER."

Goldsmith's comedy, "She Stoops to
Conquer," was interpreted in a charm-
ing manner at the Academy of Music
last night by the Lyceum Theatre
Stock Company. The play is as stand-
ard as old wheat, every line, scene and
action being familiar both to the thea-
tre-goer and the literary student. As
in the modern comedy, "Too Much
Johnson," Mr. Albaugh's company
proved themselves fully equal to the
occasion, and the well-known charac-
ter of Squire Hardcastle and his wife,
Sir Charles Marlow, young Marlow
and George Hastings, Tony Lumpkin,
Kate Hardcastle and Constance Nev-
ille, lived again before their audience.
The work of Mr. Haines, Mr. Cooper,
Mr. Craven, Mr. Albaugh, Miss Truax
and Miss Franklyn was especially good.Friday night and Saturday matinee
"Diplomacy," and Saturday night "She
Stoops to Conquer" will be repeated
by the same company.

PRIMROSE AND DOCKSTADER.

Primrose and Dockstader's great
American minstrels is the title of a
really big company, which, under the
personal management of James P.
Decker, whose name is also favorably
associated with up-to-date minstrelsy,
is to appear at the Academy of Music
to-day, matinee and night. Primrose
and Dockstader will always be insepar-
ably connected with all that is best
in the history of American minstrelsy,
and from the reception they are re-
ceiving and received wherever they
played last season as well, it would
seem that they have the key to unlock
the proverbial chest of gold. The en-
tertainment is said to surpass even its
last season's excellence, everything be-
ing done upon a more colossal, and
thoroughly up-to-date style. The com-
pany comprises fifty people, including
a superb orchestra, a score of famous
vocalists, dozens of specialty artists
and at least half a dozen of comedians,
whose names will stand first on any
programme and who have been in-
duced by large salaries to enter the
minstrel field. Primrose and Docksta-
der's motto is to present minstrelsy as
it should be—in black face, as the right
to the title "minstrel" would seem to
most fittingly belong to the dusky ones
of the Southern plantations in this
broad American land.JAMES O'NEILL IN "THE MUSKE-
TEERS."Living in a martial age with the
boom of the cannon fired at Manila
and Santiago still ringing in our ears,
it is a wonder that the attention of the
theatre-going public is turned to plays of
romance and adventure instead of to
dramas of social drive and debates.
The greatest "story" in the true sense
of the word ever turned out is Dumas'
"Three Musketeers." The public of
this city is soon to see the fascinating
warriors, with James O'Neill at their
head, as the dauntless D'Artagnan, in
Lieber & Co.'s stupendous spectacle
production of Sydney Grundy's
"The Musketeers" at the Academy
Monday, February 5th. Seats on sale
to-morrow morning. Prices, 25c. to
\$1.50.

Mr. Wright's Explanation.

Mr. T. B. Wright desires it to be
understood that he is not opposed to
reform in Norfolk or anywhere else, as
the published report of his remarks at
John S. Barbour Club Tuesday night
would, he fears, make it appear. He
stated that "if he was reliably informed
the present reform movement in the
Fourth Ward was being engineered by
Republicans." He further says that if
the Reform League puts forward good
Democrats in the primary for the mu-
nicipal offices he reserves the right, as an
individual, to vote for them. As a citi-
zen he naturally prefers a good Demo-
crat to a bad one, and in what he said
for the good of the club he distinctly
stated that a candidate's Democracy
must be clear in order to get his sup-
port, as he would not lend his vote to
aid any cloaked Republican scheme.

BRIEF ITEMS OF INTEREST.

The Carbon Studio has recently re-
ceived a very flattering order from
Mr. James Young, the tragedian, of
flash-light photos, made during Mr.
Young's performance in Richmond.Miss Carrie Anson, of Martinsville,
Va., is the guest of Miss Urith New-
port Greene, of No. 131 Boush street.Workmen are here to take out the
old organ of St. Luke's Church and put
in the new instrument.Miss Eva Kate Dowdy, of Gregory,
Currituck county, N. C., who has been
visiting Norfolk and Portsmouth
friends for the past five weeks, will re-
turn to-day to her home on the Nor-
folk and Southern.Miss Emma and Mr. T. Archie Com-
mender, who have been visiting rela-
tives on Lawrence avenue, Lambert's
Point, have returned to their home in
Elabeth City, N. C.Rev. R. S. Copeland and family, who
have been visiting his wife's parents
here, have gone to Washington, W. Va.,
their future home.Rev. John S. Lindsay, D. D., of Bos-
ton, who has been spending several
days in Norfolk with friends, left for
his home last night via Baltimore.Atlantic Lodge of Masons had work
in the second degree at a special com-
munication held at the Masonic Temple
at 11 a. m. yesterday.At the Real Estate Exchange yester-
day Messrs. Townsend & Jones, auc-
tioneers, sold for Hugh C. Davis, trust-
ee, a house and lot on Brambleton,
near Marshall avenue, to M. L. Taylor
for \$2,550.Lynchburg Advance: Bishop A. M.
Randolph, of the Diocese of Southern
Virginia, will pay his annual official
visit to Lynchburg, February 25th,
and will confirm at St. Paul's in the morn-
ing and at Grace Memorial Church in
the evening.Mr. D. S. Carpenter and S. Morris, of
Norfolk, are in New York. The former
registered at the Grand Union, and the
latter at the Imperial yesterday.Richmond Times: Mrs. William Hen-
ry Venable, nee Wright, of Norfolk, is
spending a short time in the city.The journeymen plumbers will meet
at 8 o'clock Saturday night in Central
Labor Union Hall, instead of Bricklay-
ers' Hall, as heretofore.Mrs. Charles S. Walls, of Brooklyn,
N. Y., who has been spending a few
days with Mr. and Mrs. Joseph Jacobs,
on Duke street, left for Richmond Wed-
nesday morning.Members of the Volunteer "Y" are
requested to meet Saturday night at 8
o'clock in the old Baptist Church, on
Cumberland street, to make definite ar-
rangements for the "Old Maids' Con-
vention," to be given on the 15th of
February.There will be an important meeting
of the Dora Rankin Missionary Society
at Epworth M. E. Church at 4 o'clock
this afternoon.Mr. Walter Adamson, of the Virgin-
ian-Pilot editorial staff, has been sick
at the Norfolk Protestant Hospital
since Monday last. His physician gives
hope that he will be able to resume his
duties next week.The Nubian Book and Art Com-
pany will open their new store, on
Granby street, next week. This prom-
ise to be a rare treat for the people
of this city, and is looked upon as an
important event by those interested.Mr. and Mrs. George E. Arrington
and little son, of Waterbury, Conn., are
the guests of Mr. John Hill, of this city.
Mr. Arrington is a prominent member
of the Knights of Pythias and the B.
P. O. Elks. They will leave for Rich-
mond Saturday enroute home.A meeting of the Lady Somerset Y's
will be held this evening at the First
Baptist Church at 8 o'clock. All mem-
bers are requested to attend the meet-
ing.

Marriage in Princess Anne.

Miss Daisy Smith, daughter of the
late J. M. Smith, and Dr. Thomas Lee
Brooks were married at the residence
of the bride, in Mapleton, Princess Anne
county, at 12 o'clock yesterday.The bride was attired in a suit of
dark green broadcloth, with black vel-
vet hat trimmed in ostrich tips, and
carried bride roses and maiden hair
ferns. The maid of honor was Miss
Lula Old, of Norfolk, a cousin of the
bride. She was attired in a garnet suit
of broadcloth, trimmed in light blue.A schoolmate of the groom and
brother of the bride, Mr. James E.
Smith, was best man. He, like the
bridegroom, wore the usual black. The
ushers were Messrs. William Brooks,
brother of the groom, and Samuel F.
Old, a relative of the bride.The ceremony was performed by Rev.
Mr. Scott in the parlor of the bride's
residence, which was beautifully de-
corated for the occasion with evergreensand calla lilies. After the ceremony the
couple departed, amid a shower of rice,
for an extended trip South via the
Southern railway. Many presents, both
valuable and useful, were sent the
couple from friends near and afar.The groom is a recent graduate of
the Richmond Medical College and is
well-known in different parts of the
State.

BRAMBLETON.

Mr. Matthews spoke to good audi-
ences yesterday afternoon and last
night at St. Peter's P. E. Church. His
closing services will be held this after-
noon and to-night. He may possibly be
induced to speak in St. Luke's Church
before he leaves the city.It is Mrs. J. S. Addison, and not Mrs.
Anderson, who is at her home, cor-
ner of Brown and Clay avenues.The Inasmuch Circle of the King's
Daughters will meet at the home of
Mrs. Fannie Keeling, on Withughby
avenue, at 3:30 o'clock this afternoon.The regular weekly prayer meeting of
Spurgeon Memorial Baptist Church will
be held at 7:30 o'clock to-night.Martha Washington Council, Daugh-
ters of America, will hold an important
meeting at Ingram's Hall to-night.The regular monthly business meet-
ing of the Epworth League of Trinity
M. E. Church will be held next Mon-
day night at 8 o'clock at which time
reports from the various committees
will be heard.The Brambleton Democratic Club will
meet at 8 o'clock to-night.

ELECTION OF OFFICERS.

ANNUAL MEETING OF STOCK-
HOLDERS SEABOARD FIRE
INSURANCE COMPANY.The regular annual meeting of the
stockholders of the Seaboard Fire In-
surance Company was held in the di-
rector's room, Citizens' Bank building,
yesterday, and the following directors
were elected: Messrs. John L. Roper,
J. P. A. Mottu, John L. Farrant, John
S. Jenkins, George L. Arps, Tazewell
Taylor, Henry Kim, C. S. Sherwood,
L. Starke, Jr., W. W. Vicar, L. W.
Davis, J. T. Griffin, D. F. Donovan, C.
W. Pentress, R. M. Hughes.

Bishop Randolph Coming.

(The Roanoke Times.)

It was announced at St. John's Epis-
copal Church on Sunday that Bishop
A. M. Randolph, of the Southern diocese
of Virginia, would visit Roanoke some
time in the next few weeks. Bishop
Randolph's coming is always looked
forward to with pleasure and on the
days when he preaches here the church
is usually crowded, there being many
of other denominations who are always
glad to hear him.

OTHER LOCAL ON PAGE 6

BLOOD POISON.

ULCERATED THROAT OR MOUTH,
ERUPTIONS, SWOLLEN GLANDS,
EATING SORES, SCROFULA.

A Specific Cure Found in B. B. B.

Free Trial Bottle Sent to All Who
Suffer.It is especially the deep-seated, obsti-
nate cases that B. B. B. cures. It mat-
ters not if doctors or patent medicines
have failed to cure. B. B. B. always
promptly reaches the poison and roots
it out and drives it from the system, then
the sores heal, the hair stops falling out,
the pain in the bones stops, and a per-
manent cure is the result. B. B. B. has
cured cases of 10 and 15 years standing,
even where the soul bones had become
affected.B. B. B. (Bohane Blood Balm) has
been thoroughly tested for past 20 years
and has never failed to cure the worst
cases—even deadly cancer—and where
doctors had given up the case as hope-
less, or where patent medicines did worse
than nothing. B. B. B. is different from
any other remedy—it does not contain
mineral or vegetable poisons.If you have the slightest touch of
Syphilitic Blood Poison, such as Pimples,
Eruptions, Scrofulous Sores or Rheuma-
tic pains, you had better take B. B. B. to
cleanse the blood before it gets worse,
as it is bound to do.If you are satisfied that you need Blood
Balm you will find large bottles for sale
by druggist for \$1.00, or six bottles (full
treatment) \$5.00. For free trial bottle
address Blood Balm Co., St. Mitchell St.,
Atlanta, Ga., and bottle and medical
book will be sent, all charges prepaid.
Describe your trouble and we will include
free personal medical advice. Write to-
day—don't delay.B. B. B. for sale in Norfolk by Burrow,
Martin & Co., 256 Main street and 9 Hill
street.

Stop that Cough

BY USING

De Wolf's White Pine
Cough Syrup

With Tar and Wild Cherry

The infallible remedy for
Coughs, Colds, Bronchial af-
fections, etc.

Price, 25c. bottle.

Burrow, Martin & Co.,
296 MAIN STREET.Goods delivered free Portsmouth, Berk-
ley and all parts of city.

Important Railway Decision.

(By Telegraph to Virginian-Pilot.)

Atlanta, Ga., Jan. 31.—The Georgia
Supreme Court to-day confirmed the
decision of Judge Hart, of the Superior
Court, and refused to allow the Injun-
ction, preventing the Central Railway of
Georgia from buying the Middle Geor-
gia and Atlantic railway and the
Edmonton Branch railway, to stand.
The principal contention of the State,
which was the plaintiff, was that the
latter road were competing lines of the
Central and the consolidation would
create a monopoly.

Pan-American Congress.

(By Telegraph to Virginian-Pilot.)

Washington, Jan. 31.—Secretary Hay
has received assurances from all of
the South American countries which
have diplomatic representatives in
Washington of the most favorable re-
ception by the President McKinley's
suggestion that a Congress of Pan-
American nations be reconvened, this
time preferably at the City of Mexico,
because the first Congress was held in
Washington.

South Carolina Legislature.

(By Telegraph to Virginian-Pilot.)

Columbia, S. C., Jan. 31.—The Legis-
lature to-night by a vote of 63 to 33
refused to repeal the constitutional
provision which indemnifies the estate of
a party who meets death at the hands
of a mob. The Constitution grants the
estate \$2,000 to be paid by the county.
By a vote of 79 to 26 the House killed
Representative Prince's ironclad propo-
sition bill. The dispensary fight will
come up in the House Friday and will
be disposed of finally.

Why Experiment

when in

you have the results of the medical ex-
perience of 56 years?
Tarrant's Effervescent Seltzer Aperient
is the one perfect remedy for all forms
of Constipation, Headache, Distress After
Eating, Bilioousness. The best eliminant
of Uric Acid known to the medical world.TARRANT & CO., Chemists, New York.
At druggists, etc., and ft.

The Beau Ideal

of fine laundry work is the linen that is
laundered at the Monticello Laundry. It
is the acme of beauty in color and fine
domestic finish, and looks as good as new
when it is sent home to you.

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LAUNDRY

OFFICE: 105 GRANBY ST.

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McCurdey's White Pine Tar and Wild Cherry Syrup

FOR COUGHS, COLDS AND BRONCHITIS!

We make this Cough Syrup ourselves. We make it of the very purest, freshest
and most reliable drugs.
We make it in small quantities. When you buy it you get it as it ought to be—
it hasn't lost all its virtues by standing around on shelves and in warehouses for
months or years.
It not only ought to cure—it positively does cure. 25c. a bottle.

McCURDEY & McCURDEY,

PRESCRIPTION PHARMACISTS,

406 Main Street, Opp. Hotel Norfolk. 733 Church Street, Cor. Calvert

FRANK T. CLARK CO., Limited,

Successors to COOKE, CLARK & CO.,

SASH, DOORS and BLINDS,

Builders' Hardware, Mantels, Tiles,
Grates, Paints, Oils and Glass.

84 COMMERCIAL PLACE and 87 ROANOKE AVE.

Drop Us a Line

If you haven't time to stop in and leave
your order for coal, and it will be
promptly and satisfactorily filled, or if
you are in a rush our telephone number
is 161. Whether it be stove, nut, lump or
egg coal, you will get it well-reduced,
clean and high grade. Our prices are al-
ways fair.

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145 Water St. Norfolk, Va.